IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 7973 of 2005

Between:

1 Harijan Balakistamma W/o.Abdullah
R/o.Kanchiraopalli (V) Pebberu (M) Mahabubnagar District.
2 Golla Balaiah S/o.Buchanna
R/o.Kanchiraopalli (V) Pebberu (M) Mahabubnagar District.
3 K.Agareddy S/o.Thimmareddy
R/o.Kanchiraopalli (V) Pebberu (M) Mahabubnagar District.
4 Chinna Balaiah S/o.Buchanna
R/o.Kanchiraopalli (V) Pebberu (M) Mahabubnagar District.
5 Boyya Ramachandraiah S/o.Kistanna
R/o.Kanchiraopalli (V) Pebberu (M) Mahabubnagar District.

..... PETITIONERS

AND

1 District Collector, Mahabubnagar.
2 The Revenue Divisional Officer, Wanaparthy, Mahabubnagar

District.
3 The Mandal Revenue Officer, Wanaparthy Mahabubnagar

District.
4 The A.P.Pollution Control Board, Hyderabad rep. by its

Member Secretary.
5 Sri Sai Stone Crusher Industry Nachahalli (V) rep. by its prop.

Smt.S.Suvarna

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus; 1. declaring the action of the respondent authorities in not stopping the stone crushing/blasting operations of the fifth respondent in S.No.347 of Nachahalli Village, Wanaparthy Mandal, Mahabubnagar district as violative of Art.21 of the constitution of India and contrary to the provisions Air (Prevention and Control Pollution) Act, 1981 and consequently direct the respondent authorities to stop the fifth respondent from doing stone crushing/blasting operations in S.No.347 of Nachahalli Village, Wanaparthy Mandal, Mahabubnagar district.

Counsel for the Petitioners: MR.A.SUDERSHAN REDDY

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4 : Mr.SV Bhatt

Counsel for the Respondent No.5: Venkat Raghu Ramulu

The Court made the following :

ORAL ORDER: (per Sri Bilal Nazki, the Acting Chief Justice)

The grievance of the petitioners is that respondent No.5 was creating pollution by running her stone crushing unit.

We passed an order on 29.4.2005 directing the Pollution Control Board to consider the matter as the same is pending before them as a result of a show cause notice issued to respondent No.5. The Pollution Control Board's case was that consent had been obtained by respondent No.5 for establishment of the unit and that no consent had been obtained for running the unit. Therefore we directed the Pollution Control Board to decide the matter.

The Board has now passed an order giving its consent for running the unit subject to the conditions contained in the consent order.

In view of this, no further orders are needed to be passed in the writ petition. The writ petition shall accordingly stand disposed of. No costs.

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04…07…2005

Note: Operative portion by wire

at party's cost

(B/o)

msv.

To

1 District Collector, Mahabubnagar.
2 The Revenue Divisioanl Officer Wanaparthy, Mahabubnagar

District.
3 The Mandal Revenue Officer, Wanaparthy Mahabubnagar

District.
4 The Member Secretary, A.P.Pollution Control Board,

Hyderabad.
5 2 CCs to the GP for Revenue, High Court of A.P. Hyderabad

6 2 CD copies.